

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1074943TYPE
CRDATE OF REPORT
11-JAN-2016

INSTRUCTIONS: To be used in all cases that are to be classified as EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
PRIETO, DENNIS	9182	174		113	

REFERENCE NOS. (LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 1512 E. 53RD ST, CHICAGO, IL 60615	DATE / TIME: 30-MAR-2015 13:03	BEAT: 234
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY?	SWORN ?
GONZALEZ, ROBERT R	9161	12152		002		M / S	1975	14-DEC-1998	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
				M / BLK	1972 / 43

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
				M / BLK	1972 / 43

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
SONLEY, JOHN	RANK: 9161 STAR NO: 9583, EMP NO:			M / WHI	1958 / 57
SMITH, DORIAN	RANK: 9161, STAR NO: 19042, EMP NO:			M / BLK	1968 / 47
BARNES, DANIELLE	RANK: 9161 STAR NO: 7557, EMP NO:			F / BLK	1982 / 33

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

See Report

SUMMARY

See Report

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
			41

FINDINGS - RECOMMENDATIONS

Accused:
Allegation 1.

Police Officer Robert Gonzalez, # 12152
Not Sustained


IPRA Supervisor, M.E. Olvera

DATE INITIATED
(Date incident was received for investigation)

11-MAY-2015

DATE COMPLETED (Date of this report)

11-JAN-2016

ELAPSED TIME
(Total time expressed in days)

245

Investigator will initiate the Command Channel Review form by
Completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE


IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

Allegations:

On 01 May 2015, at approximately 1352 hours, Mr. [REDACTED] registered a complaint with IPRA Investigator Shykela Carter.

It is alleged on 30 March 2015, at approximately 1339 hours, at 1512 E. 53rd Street, that Officer Robert Gonzalez, #12152:

1. Placed his knee on Mr. [REDACTED]'s head and back while he lay in a prone position.

INVESTIGATION:

In an audio interview, Mr. [REDACTED] stated while waiting in front of Falcon's Bar, located at 1601 E. 53rd Street, an unmarked car drove up with two white plainclothes officers. The passenger officer, now identified as Officer Gonzalez, exited the unmarked squad car with his gun drawn and pointed towards the ground. Mr. [REDACTED] ran away and the officer chased him to 1530 E. 53rd Street, where he was forcibly taken down and arrested. He sustained three small lacerations to the left side of his face as the result of being taken down to the pavement. Two days had passed and he did not seek medical attention for his lacerations. (Att's.6, 9)

Department Reports, Arrest Report, Case Report documented that Mr. [REDACTED] ran from the police and he was subsequently apprehended. During Mr. [REDACTED]'s arrest, he sustained lacerations to the left side of his face when the arresting officer performed a take down of Mr. [REDACTED]. According to the narrative of these reports, Mr. [REDACTED] refused medical attention. (Att's 10, 11, 12)

Tactical Response Report documented that Officer Gonzalez used a take down procedure after Mr. [REDACTED] fled. (Att. 13)

Mr. [REDACTED] sent the Reporting Investigator photographs he said a friend took. The undated photographs were uploaded into the file. The photographs showed Mr. [REDACTED]'s left side of his face with a scab, and two brownish marks above his left eyebrow. (Att. 28)

In an Accused Report, Officer Robert Gonzalez stated that he and his partner, Officer Sonley were working in civilian attire. While in the vicinity of 1601 E. 53rd Street, he observed a suspect who matched a description of a possible robbery offender. Officer Gonzalez announced his office and as he approached the suspect, now known as Mr. [REDACTED], Mr. [REDACTED] shouted, "I ain't done nothing," and ran. At this point Mr. [REDACTED] became an active resister, and Officer Gonzalez chased Mr. [REDACTED] he continually shouted out for Mr. [REDACTED] to stop fleeing from him. Officer Gonzalez stated he used an emergency take-down procedure, and both he and Mr. [REDACTED] fell to the ground. While on the ground Mr. [REDACTED] continued to resist arrest by refusing to

place his hands behind his back and resisted the application to handcuff him. Officer Gonzalez stated he utilized an arm bar and handcuffing techniques to place Mr. [REDACTED] into custody. Officer Gonzalez stated he could not recall as to whether or not his knee was positioned near Mr. [REDACTED]'s head or back during the struggle to place Mr. [REDACTED] into custody. (Att. 35)

In a Witness Report, Officer John Sonley stated that he and his partner, Officer Robert Gonzalez were working the second watch and they responded to an OEMC assignment of a male Black, wearing a grey jacket at 5300 S. Lake Park Avenue, who was wanted for a robbery. Officer Sonley stated he responded and observed a male Black, now known as Mr. [REDACTED] wearing the described clothing near the said location. As Officer Sonley began to exit his vehicle to conduct an investigative stop, Mr. [REDACTED] fled from the scene on foot with Officer Gonzalez in foot pursuit. Officer Sonley remained in the vehicle and followed Mr. [REDACTED] to 1512 E. 53rd Street. Officer Sonley observed Officer Gonzalez catch up to Mr. [REDACTED]. Officer Sonley stopped the vehicle and exited in an attempt to assist in Mr. [REDACTED] apprehension. When Officer Sonley reached the location of arrest, Mr. [REDACTED] was already in custody. Officer Sonley stated he did not observe Officer Gonzalez handcuff or perform an emergency take down of Mr. [REDACTED]. Officer Sonley stated at no time did he observe any injury to Mr. [REDACTED] nor did he hear Mr. [REDACTED] complain of any injury. (Att. 40)

In Witness Report, Officer Dorian Smith stated on 30 March 2015, his duty hours were 0900 to 1800 hours, while working with his partner, Officer D. Barnes, as the District's housing team, he was not on the scene of first encounter with Mr. [REDACTED] and does not have knowledge of Mr. [REDACTED] actions during the stop. In addition, Officer Smith stated he was not present and did not witness Mr. [REDACTED]'s take down that Officer Gonzalez applied. According to Officer Smith, Mr. [REDACTED] did not complain of any pain or injury while he was seated in the 2nd District tactical, processing room. (Att.36)

In Witness Report, Officer Danielle Barnes reiterated what was stated in Officer Smith's report. (Att. 37)

Conclusion

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegations 1** in that **Officer Gonzalez** placed his knee on Mr. [REDACTED]'s head and back as he lay in a prone position. Although all departmental reports documented that Officer Gonzalez used an emergency takedown to subdue Mr. [REDACTED] Officer Gonzalez does not recall placing his knee on Mr. [REDACTED]'s head and back as he struggled to place the handcuffs on Mr. [REDACTED]. Therefore, based on the evidence, the undersigned recommends a finding of "Not Sustained" because the undersigned can not prove or disprove the allegation.